

§ 41-82. Creation of a tenancy in common.

(a) A tenancy in common is created by a conveyance that meets one of the following criteria:

- (1) The conveyance is to two or more grantees and expresses an intent that the grantees hold separate undivided interests in the property.
- (2) The conveyance is to one or more grantees and expresses an intent that the grantor and the grantee or grantees hold separate undivided interests in the property.
- (3) The conveyance does not express an intent described in subdivision (1) or (2) of this subsection and, with nothing else appearing, does not under the circumstances create an estate in property other than a tenancy in common.

(b) The following words in the instrument shall be deemed to express an intent to create a tenancy in common unless the instrument provides otherwise: "equal portions," "equally divided," "share and share alike," "share equally," "their respective portions."

(c) An interest in property held by cotenants who subsequently marry each other remains held by tenancy in common unless by separate instrument the spouses convey the interest to themselves to create a tenancy by the entirety or a joint tenancy with right of survivorship.

(d) Unless otherwise provided in the instrument of conveyance, a tenancy in common interest conveyed to grantees married to each other shall be held as tenants by the entirety and the married grantees shall be treated as a single tenant in common, including where any of the following occur:

- (1) The tenancy in common interest is conveyed to the married grantees and to one or more other grantees as tenants in common in the same instrument.
 - (2) A tenant in common's interest in the property is conveyed to the married grantees.
- (e) A tenancy in common may be created by operation of law, including the following:
- (1) When two or more individuals take undivided interests in real property upon intestate succession.
 - (2) Upon termination of a joint tenancy with right of survivorship as provided in G.S. 41-73.
 - (3) Upon termination of a tenancy by the entirety by voluntary sale or conveyance, voluntary partition, or divorce as provided in G.S. 41-63(1), (2), and (5). (2024-47, s. 1.)